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09/917,187	07/27/2001	Rick D. Curns	N6799	9625

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WADDEY & PATTERSON  
414 UNION STREET, SUITE 2020  
BANK OF AMERICA PLAZA  
NASHVILLE, TN 37219

EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT PAPER NUMBER

2177

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,187

Applicant(s)

CURNS ET AL.

Examiner

Jean R. Homere

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-5,8-19,22-28,31,32,38 and 39 is/are rejected.
- 7) ☒ Claim(s) 6,7,20,21,33-37 and 40-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 01/17/02 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information referred to therein has been considered as to the merits.

### ***Drawings***

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-14, 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 1; claim 11, line 1, claim 12, line 7, claim 13, line 7, claim 14, line 1, claim 23, line 1, claim 24, line 6, claim 25, line 1, claim 26, line 7, claim 27, line 7, claim 28, line 1, the term "adapted to" is unclear. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so

perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

5. Claim 10 is rejected for fully incorporating the deficiencies of claim 9 by dependency.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 15-19, 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rassman et al. (Rassman), US Patent No. 4,937,743.

As to claim 1, Rassman discloses the invention including a computer-implemented method for dynamically managing resources displayed on a graphical chart (col. 2, lines 59-67 et seq.) In particular, Rassman teaches the selection of a elements in a database wherein said elements are linked to the database to thereby generate the chart (col. 2, lines 59-62 et seq.), wherein, upon any modifying the elements of said database, said elements are subsequently used to update said database (col. 3, lines 7-11 et seq.) Rassman also teaches that upon modifying the database, an updated version of the chart representing the updated state of the database is also generated (col. 4, lines 25-27 et seq.)

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As to claim 2, Rassman teaches the step of linking data elements that are used to update the charts with a corresponding database (col. 3, lines 7-11 et seq.)

As to claim 3, by teaching the updating of a single chart upon updating the data elements of the single database that make up the chart, Rassman implicitly teaches the assignment of chart identification numbers to each chart data element to be updated, as well as the linking of the chart identification numbers to the multiple sources of data elements (the database in this case). Similarly, Rassman's teachings implicitly discloses the limitations of claims 4-5, whereby the data chart elements that are being updated are imported into the database (see col. 3, lines 3-11 and col. 4, lines 25-27 et seq.)

As to claims 15-19, Rassman discloses the claimed limitations as discussed in the preceding paragraphs. In addition, Rassman teaches the generated chart can be used for project comparison and scheduling (col. 2, line 65- col. 3, line 6 et seq.)

8. The limitations of claims 31-32 have already been addressed in the rejection of claims 1-5, 15-19 above. They are therefore rejected on similar grounds.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 8-12, 22-26, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman et al. (Rassman), US Patent No. 4,937,743 in view of Negeshi, JP406004541A.

As to claim 8, Rassman substantially discloses the invention including a computer-implemented method for dynamically managing resources displayed on a graphical chart (col. 2, lines 59-67 et seq.) In particular, Rassman teaches the selection of a elements in a database wherein said elements are linked to the database to thereby generate the chart (col. 2, lines 59-62 et seq.), wherein, upon any modifying the elements of said database, said elements are subsequently used to update said database (col. 3, lines 7-11 et seq.) Rassman also teaches that

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upon modifying the database, an updated version of the chart representing the updated state of the database is also generated (col. 4, lines 25-27 et seq.)

Rassman does not particularly detail a first memory and a second memory for storing chart information. Negeshi, however, discloses an analogous system for managing project schedule wherein a first storage medium (101) and a second storage medium (102) store chart data to thereby facilitate the updating of the chart (see abstract). It would have been obvious to one of ordinary skill in the art of data processing to combine the teachings of the cited references. Negeshi's teaching of the separate storage media would allow users of Rassman's system to keep track of which particular chart data that have been updated over time.

As to claim 9, Rassman teaches the step of linking data elements that are used to update the charts with a corresponding database (col. 3, lines 7-11 et seq.)

As to claim 10, by teaching the updating of a single chart upon updating the data elements of the single database that make up the chart, Rassman implicitly teaches the assignment of chart identification numbers to each chart data element to be updated, as well as the linking of the chart identification numbers to the multiple sources of data elements (the database in this case). Similarly, Rassman's teachings implicitly discloses the limitations of claims 11-12, whereby the data chart elements that are being updated are imported into the database (see col. 3, lines 3-11 and col. 4, lines 25-27 et seq.)

As to claims 22-26, Rassman and Negeshi disclose the claimed limitations as discussed in the preceding paragraphs. In addition, Rassman teaches the generated chart can be used for project comparison and scheduling (col. 2, line 65- col. 3, line 6 et seq.)

11. The limitations of claims 38-39 have already been addressed in the rejection of claims 9-12, 22-26 above. They are therefore rejected on similar grounds.

***Allowable Subject Matter***

12. Claims 6-7, 20-21, 33-37, 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 13-14, 27-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. Claims 29-30 are allowable over the prior art of record.

15. The prior art of record does not particularly teach the creation of maps linking chart identification numbers to the unique identification numbers associated with the multiple source data elements, each map containing information identifying one of the linked multiple source data elements to generate the updated project management scheduling chart.



***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

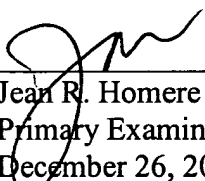
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647.

The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

**Any response to this action should be mailed to:** Commissioner of Patents and Trademarks  
Washington, D.C. 20231, **or faxed to:** (703) 872-9306. Hand-delivered responses should be  
brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to  
the Group receptionist whose telephone number is (703) 305-3900.

  
\_\_\_\_\_  
Jean R. Homere  
Primary Examiner, A.U. 2177  
December 26, 2003